

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IMANI HATCHER and
BRIAN BROCHU, et al

Case No: 18-CV-11986
Judge Judith E. Levy
Mag. Judge:
Elizabeth A. Stafford

Plaintiffs,

vs.

COUNTY OF GENESEE, a municipal
sub-unit of the State of Michigan;
SHERIFF ROBERT PICKELL, individually
and in his official capacity as Sheriff of
Genesee County; CAPTAIN JASON GOULD,
individually and in his official capacity
as Jail Administrator of the Genesee County Jail,

Defendants.

BRIAN BROCHU 945717 *In Pro Per*
Chippewa Correctional Facility
4269 West M-80
Kincheloe, MI 49784

MICHAEL W. EDMUNDS P55748
Attorney for Defendants
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DEFENDANTS' BRIEF IN RESPONSE
TO PLAINTIFF BROCHU'S MOTION TO ORDER
PLAINTIFFS' ATTORNEY TO CONTINUE REPRESENTING
PLAINTIFF BROCHU

ISSUES PRESENTED

1. Whether, after having dismissed the case, the Court should compel Plaintiffs' attorneys to continue representing Plaintiff Brochu?
2. Whether, after having dismissed the case, the Court should impose a settlement upon Defendants?

CONTROLLING AUTHORITY

Fed. R. Civ. P. 41

INTRODUCTION

This case was dismissed without prejudice by stipulation on August 14, 2020. (ECF No.40, PageID. 227-231.) One of the Plaintiffs, Brian Brochu, has filed a motion asking the Court to force Plaintiffs' counsel to continue representing this Plaintiff, or in the alternative to impose a settlement upon the Defendants.

ARGUMENT

Subject to some exceptions, a Plaintiff may dismiss an action without a court order by filing a notice of dismissal before the Defendant serves an answer or a motion for summary judgment, or a stipulation of dismissal signed by all parties who have appeared. Fed. R. Civ. P. 41(a)(1)(A). Otherwise, a Plaintiff may only voluntarily dismiss an action by Court Order. Fed. R. Civ. P. 41(a)(2).

The case is closed. It was dismissed. Plaintiff Brochu's remedy is either to file a lawsuit *in pro per*, or to hire a lawyer to file a lawsuit for him.

CONCLUSION

Defendants request that the motion be denied.

Dated: 12/11/2020

/s/ Michael W. Edmunds (P55748)
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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Conrad J. Benedetto, Solomon M. Radner and Stephen F. Monroe, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Brian Brochu 945717 *In Pro Per*
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